

## REMARKS

This paper is in response to the final official action of December 29, 2005.

Reconsideration is requested.

By the foregoing, claims 4-6 have been amended to recite preferred Markush groups, claim 7 has been amended to recite that the coating composition consists essentially of the polymers recited in the claim. Further, claim 13 has been rewritten in independent form by incorporating the limitations of original claim 7. Claims 8-10, 15 and 16 have been amended to improve readability.

No new matter has been added.

The allowability of claims 1-6, and the allowability in substance of claims 13-16 is noted, with appreciation. By the foregoing amendments, claim 13 has been rewritten in independent form, and claims 13-16 are thus in proper form for allowance.

Claims 7, 11, and 12 have been rejected as obvious over Mitchell U.S. 6,590,137, and claims 7-12 have been rejected as obvious over Mougin U.S. 6,159,457. Reconsideration of the claims as amended is solicited.

As amended, claims 7-12 recite an organic anti-reflective coating composition consisting essentially of the polymers recited therein, i.e., a polymer represented by Formula I and at least one polymer selected from the group consisting of Formula III, IV and mixtures thereof.

According to the invention recited in claims 7-12, the recited polymers all have a material effect of the organic anti-reflective coating composition, which is useful on a top portion of a photoresist film of a semiconductor device, as recited in claim 1, for example.

The relied-upon references relate to multicomponent super absorbent gel particles (Mitchell et al.) or cosmetic or dermatological compositions (Mougin), which uses of course are materially different from the disclosed use of the claimed coating composition.

The examiner has identified certain constituents of the respective materials of the Mitchell and Mougin references as allegedly corresponding to one or more of the polymers recited in claims 7-12, and has taken a position that Mitchell's particles would inherently be capable of being used as an organic anti-reflective coating composition and that Mougin's composition would also inherently be capable of being used as an organic anti-reflective coating composition. However, each of the compositions of Mitchell and Mougin contain - and must contain - additional materials required for the intended uses taught in Mitchell and Mougin. These materials materially affect the compositions of the references, and would materially affect the characteristics of the coating composition recited in the present claims. The present claim language excludes materials which would materially affect the inventive characteristics of the recited coating composition, and thus are distinguishable from the compositions disclosed in the references.

It is accepted that exclusion of elements required by the prior art is strong evidence that the claimed compositions are not obvious variants of those disclosed in the art, and this is especially the case wherein the applied references teach nothing regarding the intended use of the claimed materials.

For all the foregoing reasons, it is urged that claims 7-12 clearly patentably define over the Mitchell and Mougin references, and an indication to that effect is solicited.

Early allowance of all claims 1-16 is solicited.

Entry of the foregoing amendments as placing the application in better condition for allowance or appeal is solicited.

Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance, he is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

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By: 

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